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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,238	07/12/2000	Guy Stone	Dkt.#622	1849

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Albert Wai-Kit Chan
Attorney at Law
59-42 Parsons Blvd
Flushing, NY 11365

EXAMINER

PHAN, TAM T

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 08/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

PP4

Office Action Summary	Applicant(s)	STONE ET AL.	
	Application No.	09/614,238	
	Examiner	Tam (Jenny) Phan	Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. Pre-amendment A received on 7/17/2000 has been entered. Claims 1-20 are presented for examination.

Priority

2. No priority claims have been made.
3. The effective filing date of the claimed invention is July 12, 2000.

Specification

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (page 2 line 4, 15). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 7, 12-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 7 recites the limitation "a list of URLs from each user's personal webcam is requested and organized" in lines 1-2 of the claim. It is unclear how a webcam is enabled to retrieve URLs. Clarification is required
8. Claims 12-20 are improper hybrid claims. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or

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rewrite the claim(s) in independent form. For examining purposes, claims 12-20 will be treated as followed:

11. A system which allows users to chat with each other while displaying live webcam images of more than one selected user within a chatroom environment.
12. The system of claim 11 in which the webcam images are displayed at the top of the page.
13. The system of claim 11 in which the displayed webcam images have a uniform size.
14. The system of claim 11 in which the webcam images are automatically assigned a position on the chatroom screen.
15. The system of claim 11 in which chatroom users can select the webcam images they want to view while they are chatting.
16. The system of claim 15 in which each user is given a list of other online users from which they can select webcam images to view.
17. The system of claim 11 in which a list of URLs from each user's personal webcam is requested and organized.
18. The system of claim 17 in which each image is associated with an individual user.
19. The system of claim 17 in which users who do not have a webcam will have a symbolic logo appear in place of their image.
20. The system of claim 19 in which the symbolic logo is updated at a predefined time interval.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-4 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tang et al. (U.S. Patent Number 5,793,395), hereinafter referred to as Tang.

11. Regarding claim 1, Tang disclosed a method which allows users to chat with each other while displaying live webcam images of more than one selected user within a chatroom environment (Figure 5, Figure 10 sign 121, Column 5 lines 29-32).
12. Regarding claim 2, Tang disclosed a method in which the webcam images are displayed at the top of the page (Figure 5).
13. Regarding claim 3, Tang disclosed a method in which the displayed webcam images have a uniform size (Figure 5).
14. Regarding claim 4, Tang disclosed a method in which the webcam images are automatically assigned a position on the chatroom screen (Figure 5).
15. Regarding claims 11-14, the system corresponds directly to the method of claims 1-4, and thus these claims are rejected using the same rationale.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 5-6, 8-10, 15-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang as applied above and further in view of the invention's background.
18. Regarding claim 5, Tang disclosed a method which allows users to chat with each other while displaying live webcam images of more than one selected user within a chatroom environment (Figure 5). Tang did not disclose the method in which

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chatroom users can select the webcam images they want to view while they are chatting. However, the background of the instant invention disclosed a method to show video [image] of a particular chatter in which a chatroom users want to view (Background page 2 lines 23-24). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to allow chatroom users to select the webcam images of the other chatters in order to have a more visual and more personal chatting experience.

19. Regarding claim 6, the background of the instant application disclosed a method in which each user is given a list of other online users from which they can select webcam images to view (Background page 2 lines 12-18, lines 23-24)

20. Regarding claim 8, Tang disclosed a method of in which each image is associated with an individual user (Figure 5).

21. Regarding claim 9, Tang disclosed a method in which users who do not have a webcam will have a symbolic logo appear in place of their image (Column 5 lines 32-37).

22. Regarding claim 10, the background of the instant application disclosed a method in which image of each chatter is updated at a predefined time interval (Background page 1 lines 27-33). The symbolic logo is the image of the chatter when live image of him/her is not available and therefore will be updated at a predefined time interval in the same fashion as his/her live image.

23. Regarding claim 15-16 and 18-20, the system corresponds directly to the method of claims 5-6 and 8-10, and thus these claims are rejected using the same rationale.

24. Since all the limitations of the claimed invention were disclosed by the combination of Tang and background of the invention, claims 5-6, 8-10, 15-16, and 18-20 are rejected.

25. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang as applied above and further in view of Ullman et al. (U.S. Patent Number 6,018,768).

26. Regarding claim 7, Tang disclosed a method which allows users to chat with each other while displaying live webcam images of more than one selected user within a chatroom environment (Figure 5). Tang did not disclose a method in which a list of URLs from each user's personal webcam is requested and organized. However, in analogous art, Ullman disclosed a method in which URLs from a video source [video stream, webcam stream, etc.] is requested, added to the list, and organized for viewing (Figure 3 signs 38, 54, Figure 7 sign 160). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a method to request and organize the URL from each chatter webcam image in order to enable chatters to view live image of other chatters. Requesting URLs or other video stream locators will allow live image of chatters to be located. Organizing URLs will help maintain a chatter profile and correctly associate a particular chatter with his/her image as disclosed by Tang (Figure 5).

27. Regarding claim 17, the system corresponds directly to the method of claim 7 and is rejected using the same rationale.

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28. Since all the limitations of the claimed invention were disclosed by the combination of Tang and Ullman, claims 7 and 17 are rejected.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-894 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MARC THOMPSON
Marc Thompson
Patent Examiner
Art Unit 2142
703-308-6750

tp
August 8, 2003